IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

WEDNESDAY, THE 20TH DECEMBER 2006 / 29TH AGRAHAYANA 1928

WP(C).No. 33963 of 2006(R)

PETITIONER:

CHERUVANNUR GRAMEENA KALIMANNU
VYAVASAYA SANGHAM LTD. NO.KVIND (D) 2,
KOLATHARA P.O., CALICUT, REPRESENTED BY ITS
PRESIDENT, C.K. KRISHNA DAS, S/O.APPU,
CHEROOL KUNNATHU HOUSE P.O. FEROKE, KOZHIKODE.

BY ADV. SRI.NIRMAL. S

RESPONDENTS:

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1. PROJECT OFFICER (REGISTRAR),
KERALA KHADI VILLAGE INDUSTRIES OFFICE,KOZHIKODE.

2. V.K. ASHOKAN,
JUNIOR CO-OPERATIVE INSPECTOR, ENQUIRY OFFICER,
DISTRICT KHADI & VILLAGE INDUSTRIES OFFICE,
KOZHIKODE.

BY ADV. SRI.V.V.JOSHI, STANDING COUNSEL FOR R1 & R2

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.M. JAMES, J.

W.P.(C) No. 33963 of 2006

Dated this the 20th December, 2006.

J U D G M E N T

A show cause notice dated 26.9.2006 has been issued to the writ petitioner, Society, asking it to show cause, why steps against the Society, under Sections 32 and 68 of the Kerala Co-operative Societies Act, 1969, in short 'the Act', should not be initiated. It is brought to my notice that an enquiry under Section 65 of the Act is in progress. The procedure that is followed is under Rule 66 of the Kerala Co-operative Society Rules, in short 'the Rules'.

2. The writ petitioner apprehends that without even furnishing the information and contents of the report, the writ petitioner, Society, may either be superseded or further action taken. Therefore, the counsel submits that before any action is taken on completion of the enquiry, the final orders may be directed to be passed by the Registrar only after giving an opportunity to the writ petitioner, Society, and after having the Society heard.

3. Considering Rule 66(5) of the Rules, I dispose of the writ petition, directing the Registrar, by whom an enquiry is being proceeded with, against the writ petitioner, Society, to pass such orders on the Society, only after giving a reasonable opportunity of hearing the Society, or the person(s) who conduct the affairs of the Society.

4. Till an order is passed as directed above, no action shall be initiated against the writ petitioner, Society.

J.M. JAMES,
JUDGE

nj.